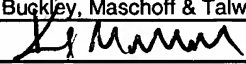


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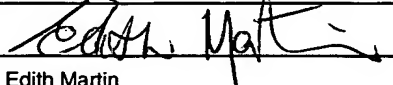
<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/523,222	
	Int'l Application No.	PCT/GB03/03355	
	International Filing Date	August 1, 2003	
	First Named Inventor	Tanir, Erol Ralph	
	Art Unit	2873	
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission	18	Attorney Docket Number	S18.001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Statement in Support of Petition (Erol Tanir) & Resignation (Attachment A)	<input type="checkbox"/> After Allowance communication to (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Renewed Petition under 37 CFR § 1.47(a) to Accept Application with Missing Signature	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Declaration and Power of Attorney (Erol Tanir)	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Statement from Kurt Maschoff, copy of Exhibit A to Statement of Kurt Maschoff, copy of Decision on Petition, copy of Notification of Missing Requirements, and Acknowledgement Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Buckley, Maschoff & Talwalkar LLC		
Signature			
Printed name	Kurt M. Maschoff		
Date	June 27, 2006	Reg. No.	38,235

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Attn: PCT Legal Administration, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Edith Martin	Date	June 27, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**BEST AVAILABLE COPY**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	) Group Art Unit: 2873
	)
Applicants: TANIR et al.	) Examiner: Not yet assigned
	)
Application No.: 10/523,222	) <b>RENEWED PETITION UNDER 37 CFR</b>
	) <b>§ 1.47(a) TO ACCEPT APPLICATION</b>
International Application No.:	) <b>WITH MISSING SIGNATURE</b>
PCT/GB03/03355	)
	) Attorney Docket No.: S18.001
International Filing Date: August 1, 2003	)
	) <b>PTO Customer Number 28062</b>
For: SPECTACLE KIT	) Buckley, Maschoff & Talwalkar LLC
	) Five Elm Street
	) New Canaan, CT 06840
	)

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Attn: PCT Legal Administration, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, on June 27, 2006.

Dated: June 27, 2006

By:   
Edith Martin

Mail Stop PCT  
Attn: PCT Legal Administration  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR § 1.47(a) TO ACCEPT APPLICATION WITH MISSING SIGNATURE**

**(In Response to Petition mailed 27 April 2006)**

Sir:

This is a renewed petition to accept the above-identified application with missing signatures. A copy of the earlier submitted petition and the Decision on Petition are attached hereto. As stated in the earlier-filed petition, joint inventor Paul Sinding is unavailable to join in this application. A further Statement, provided by joint inventor Erol Ralph Tanir is attached hereto setting forth facts regarding the unavailability of Paul Sinding. In addition to the facts provided in the attached Statement, the undersigned performed additional Internet searches in an attempt to locate a telephone number or contact address for the unavailable inventor. The searches were unsuccessful.

It is requested that this application be accepted pursuant to 37 CFR 1.47 (a). The last known address for Paul Davey Sinding is: Unit 1, Oaksey Road, Pool Keynse, Cirencester GL7 6EA UK.


Enclosed herewith are:

1. Statement in Support of Petition from Erol Tanir;
2. Copy of Resignation (Attachment A);
3. Copy of Declaration and Power of Attorney, signed b Erol Tanir;
4. Copy of the Petition Decision of 27 April 2006;
5. Copy of Statement from Kurt Maschoff (previously filed);
6. Copy of Exhibit A to Statement of Kurt Maschoff (previously filed); and
7. Copy of Notification of Missing Requirements under 35 U.S.C. 371.

While no fee is believed due in conjunction with this renewed petition, the undersigned hereby authorizes the Commissioner to charge or credit any additional fees to Deposit Account No. 50-1852.

Respectfully submitted,

June 27, 2006  
Date

  
\_\_\_\_\_  
Kurt M. Maschoff  
Registration No. 38,235  
Buckley, Maschoff & Talwalkar LLC  
Five Elm Street  
New Canaan, CT 06840  
(203) 972-0081

## **ATTACHMENT A**

Paul D Sinding  
0 Oxford House  
London Road  
Cirencester  
Glos, GL7 2PU

Paul D Sinding  
Unit 1 Oaksey  
Poole Keynes  
Cirencester  
Glos, GL7 6EA



Spexxworld Ltd  
Unit 1, Oaksey Road  
Poole Keynes  
Cirencester  
Gloucestershire  
GL7 6EA (UK)

T.0870 770 4881  
F.0870 770 4882  
International:  
+44 (0)1285 869 750 (T)  
+44 (0)1285 869 760 (F)  
info@spexxworld.co.uk  
www.spexxworld.co.uk

Attention Amy Davies  
Lloyds TSB  
Bristol Direct Business Centre  
PO Box 3037  
Cardiff, CF3 3OS

14/06/2004

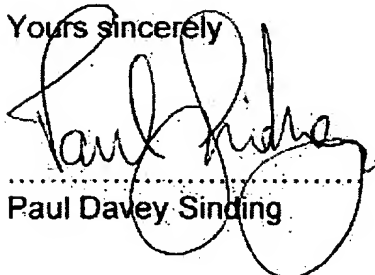
Dear Amy Davies  
Business Manager

**Re: Resignation**

I hereby confirm my resignation as a Director of Spexxworld Ltd, Company  
Registration No: 4286194 (the "Company")

Please amend account details and remove my signature from the account.

Yours sincerely



Paul Davey Sinding

I confirm the above resignation.



Attorney Docket No.: S18.001

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SPECTACLE KIT**, the specification of which

☒ was filed on January 31, 2005 as United States Application No. 10/523,222.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR Section 1.56.

I hereby claim foreign priority benefits under 35 USC Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Applications(s)  
Claimed

Priority  
Not

0217834.1	UK	01 August 2002	<input type="checkbox"/>
(Number)	(Country)	(Date/Month/Year Filed)	
____	____	____	
(Number)	(Country)	(Date/Month/Year Filed)	

Attorney Docket No.: S18.001

I hereby claim the benefit under 35 USC Section 119(e) of any United States provisional application(s) below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 USC Section 120 of any United States application(s), or Sections 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 USC Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 CFR, or PCT International filing date of this application:

PCT/GB2003/003355  
(Application Serial No.)

1 August 2003  
(Filing Date)

Pending  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

**PTO Customer Number 28062**  
Nathaniel Levin (Reg. No. 34,860);  
Kurt M. Maschoff (Reg. No. 38,235);

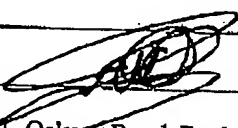
Attorney Docket No.: S18.001

Patrick J. Buckley (Reg. No. 40,928);  
Nandu A. Talwalkar (Reg. No. 41,339);  
Randolph P. Calhoun (Reg. No. 45,371); and  
Alan Cooper (Reg. No. 51,217).

Send correspondence to:

**PTO Customer Number 28062**  
**Kurt M. Maschoff**  
**BUCKLEY, MASCHOFF & TALWALKAR LLC**  
**Five Elm Street**  
**New Canaan, CT 06840**

Direct telephone calls to: Kurt M. Maschoff at (203) 972-0081.

Full name of First Inventor <b>Erol Ralph Tantr</b>	
First Inventor's Signature 	Date: <b>10/10/2005</b>
Residence <b>Spexxworld Limited, Unit 1, Oaksey Road, Poole Keynes, Cirencester GL7 6EA UK</b>	
Citizenship <b>Great Britain</b>	
Post Office Address <b>SAME AS RESIDENCE</b>	

Full name of Second Inventor <b>Paul Davey Sinding</b>	
Second Inventor's Signature	Date:
Residence <b>Spexxworld Limited, Unit 1, Oaksey Road, Poole Keynes, Cirencester GL7 6EA UK</b>	
Citizenship <b>Great Britain</b>	
Post Office Address <b>SAME AS RESIDENCE</b>	



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: TANIR et al.

Application No.: 10/523,222

International Application No.: PCT/GB03/03355

International Filing Date: August 1, 2003

For: SPECTACLE KIT

) Group Art Unit: 2873

) Examiner: Not yet assigned

) **STATEMENT IN SUPPORT OF  
PETITION**

) Attorney Docket No.: S18.001

) **PTO Customer Number 28062**

) Buckley, Maschoff & Talwalkar LLC

) Five Elm Street

) New Canaan, CT 06840

)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT**

Sir:

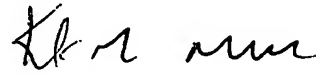
The undersigned, Kurt Maschoff, hereby states as follows:

1. That he is one of the attorneys for applicants in this application.
2. That he makes this Statement in support of the Petition to accept application with missing signatures in connection with this application.
3. That joint inventor Paul Davey Sinding is unavailable to join in this application as evidenced by the following facts: Mr. Sindig left the employ of the assignee in 2004, and has been unreachable since that time. Mr. Sindig's co-inventor (Erol Tanir), who is still employed at the assignee, attempted to contact Mr. Sinding, but has been unable to (see Exhibit A). Mr. Sindings last known address is at Unit 1, Oaksey Road, Poole Keynes, Cirencester GL7 6EA UK. He is no longer at that address.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

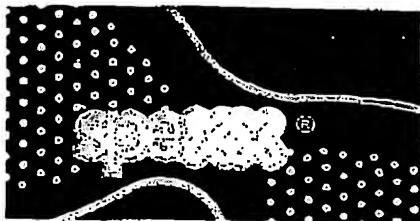
imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

January 17, 2006  
Date



---

Kurt M. Maschoff



11, Oaksey Road, Poole Keynes  
 Gloucestershire  
 GL7 6EA (UK)

0870 770 4881  
 0870 770 4882  
 International:  
 +44 (0)1285 869 750 (T)

P121 US00

Exhibit A

CHAPMAN MOLONY	
RECEIVED 11 OCT 2005	
PATRIX DIARY	
MANLEY DIARY	

Dear Helga

Please find enclosed *Sin* documents for the  
 US application.

As you are aware Paul Sinding can not be  
 contacted and has left the company over  
 15 months ago.

Please advise with regards to the power of attorney  
 as the deadline for filling the form is on the  
 1st October or  
 Best Regards Eric.

27 APR 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Buckley, Maschoff & Talwalkar, LLC  
5 Elm Street  
New Canaan, CT 06840

RECEIVED MAY 01 2006

In re Application of  
TANIR et al.  
U.S. Application No. 10/523,222  
PCT No.: PCT/GB03/03355  
It. Filing Date: 01 August 2003  
Priority Date: 01 August 2002  
Attorney Docket No.: S18.001  
For: SPECTACLE KIT

DECISION ON PETITION

This decision is issued in response to "Petition to Accept Application with Missing Inventor" filed 20 January 2006, which is being treated as a Petition under 37 CFR 1.47(a) to accept the application without the signature of joint-inventor, Paul Davey Sinding. The \$200 petition fee has been submitted.

BACKGROUND

On 01 August 2003, applicants filed international application PCT/GB03/03355 which claimed a priority date of 01 August 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 February 2004.

On 31 January 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a copy of the international search report.

On 17 August 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 20 January 2006, applicants filed a petition under 37 CFR 1.47(a) and the requisite petition fee for a three-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or

her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

As to item (2), petitioner states that Paul Davey Sinding cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.

The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, Paul Davey Sinding. Petitioner states that Paul Davey Sinding is unavailable to join the application, however, no documentary evidence to support the attempt(s) was provided with the petition. Furthermore, it does not appear that petitioner has first hand knowledge of all the facts. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instructions, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

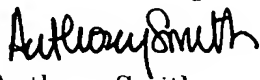
For the reasons stated above, it would not be appropriate to accept the application without the signature of Paul Davey Sinding under 37 CFR 1.47(a) at this time.

### CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel.: (571) 272-3298  
Fax: (571) 273-0459



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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U.S. APPLICATION NUMBER NO. 10/523,222	FIRST NAMED APPLICANT Erol Ralph Tanir	ATTY. DOCKET NO. S18.001
INTERNATIONAL APPLICATION NO. PCT/GB03/03355		
I.A. FILING DATE 08/01/2003	PRIORITY DATE 08/01/2002	

28062  
BUCKLEY, MASCHOFF, TALWALKAR LLC  
5 ELM STREET  
NEW CANAAN, CT 06840

RECEIVED AUG 22 2005

CONFIRMATION NO. 8053  
371 FORMALITIES LETTER  
\*OC000000016799800\*  
\*OC000000016799800\*

Date Mailed: 08/17/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/31/2005
- Copy of the International Search Report filed on 01/31/2005
- Copy of IPE Report filed on 01/31/2005
- Preliminary Amendments filed on 01/31/2005
- Information Disclosure Statements filed on 01/31/2005
- Request for Immediate Examination filed on 01/31/2005
- U.S. Basic National Fees filed on 01/31/2005

Buckley, Maschoff, Talwalkar & Allison LLC

Date Received: 8/22/05  
Matter No.: S18.001 Atty: RMTW  
Items Docketed:

Initials: JA

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,222	PCT/GB03/03355	S18.001

FORM PCT/DO/EO/905 (371 Formalities Notice)



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